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July 8, 2010 3:33 PM

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U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
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**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DOROTHY CRUMP,

Plaintiff,

v.

ROOSEN, VARCHETTI & OLIVIER,  
PLLC,

Defendant.

) Case No.:

) Hon.

**1:10-cv-655**  
**Paul L. Maloney, Chief Judge**  
**United States District Court**

**COMPLAINT AND JURY DEMAND**

Plaintiff, DOROTHY CRUMP (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, ROOSEN, VARCHETTI & OLIVIER, PLLC (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Count II of Plaintiff's Complaint is based on the Michigan Occupational Code, *Mich. Comp. Law 339.901 et seq.* (MOC).

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*, "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred..."

**PARTIES**

6. Plaintiff is a natural person residing in Three Rivers, St. Joseph County, Michigan.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)* and *Mich. Comp. Law § 339.901(f)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)* and *Mich. Comp. Law § 339.901(a)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Mich. Comp. Law § 339.901(b)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Clinton Township, Michigan.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

11. Defendant places collection calls a couple times per week to Plaintiff seeking and demanding payment for an alleged debt (RVO File #: 100075).
12. Defendant is attempting to collect a debt from the original credit, Heritage Chase.
13. As of January 7, 2010, Plaintiff owes approximately \$3,450.49.
14. Plaintiff used her Heritage Chase credit card for personal, family, and household purposes.
15. Defendant's collector, "Matthew," left a message for Plaintiff that failed to disclose in subsequent communications that the call was from a debt collector (see the transcribed voicemail message attached as Exhibit A).

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692e of the FDCPA by using false, deceptive, and

misleading representations in connection with the collection of any debt.

- b. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, DOROTHY CRUMP, respectfully requests judgment be entered against Defendant, ROOSEN, VARCHETTI & OLIVIER, PLLC, for the following:

- 17. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
- 19. Any other relief that this Honorable Court deems appropriate.

**COUNT II**  
**DEFENDANT VIOLATED THE MICHIGAN OCCUPATIONAL CODE**

- 20. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.
- 21. Defendant willfully violated the MOC based on the following:

- a. Defendant violated §339.915(e) of the MOC by making an inaccurate, misleading, untrue, or deceptive statement or claim in communications with Plaintiff by failing to reveal the purpose of the communication as that of collecting a debt.

WHEREFORE, Plaintiff, DOROTHY CRUMP, respectfully requests judgment be entered against Defendant, ROOSEN, VARCHETTI & OLIVIER, PLLC, for the following:

- 22. Statutory damages of \$150.00 pursuant to the Michigan Occupational Code, *Mich. Comp. Law § 339.916(2)*,

23. Costs and reasonable attorneys' fees pursuant to the Michigan Occupational Code, *Mich.*

*Comp. Law* § 339.916(2), and

24. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

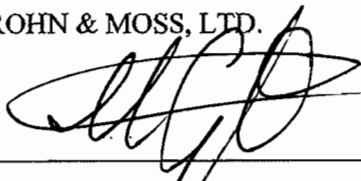
PLEASE TAKE NOTICE that Plaintiff, DOROTHY CRUMP, demands a jury trial in this case.

DATED: June 17, 2010

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: \_\_\_\_\_

  
Michael S. Agruss, [CA BAR - 259567]  
Krohn & Moss, Ltd.  
10474 Santa Monica Blvd., Suite 401  
Los Angeles, CA 90025  
Tel: 323-988-2400 x235  
Fax: 866-583-3695  
magruss@consumerlawcenter.com  
Attorneys for Plaintiff

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF MICHIGAN

Plaintiff, DOROTHY CRUMP, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DOROTHY CRUMP, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6-24-10  
Date

Dorothy Crump  
DOROTHY CRUMP